

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION

KATHLEEN GRIFFITH

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§

§

VS.

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Case No.

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WAL-MART STORES, INC.

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§

PLAINTIFF'S ORIGINAL COMPLAINT

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES Plaintiff KATHLEEN GRIFFITH, complaining of WAL-MART STORES, INC., Defendant, and for cause of action would show the Court the following:

I.

VENUE & JURISDICTION

1. Plaintiff is a resident of Tyler, Texas.
2. Defendant, WAL-MART STORES, INC. is an Arkansas corporation with its principal place of business in Arkansas and may be served with process through its registered agent CT Corporation System, 1999 Bryan St., Ste. 900, Dallas, TX 75201-3136. Citation is requested at this time.
3. This Court has jurisdiction over this matter pursuant to 28 U. S.C. §1332(a)(1) because of the following:
  - a. Plaintiff is a resident of the State of Texas;
  - b. Defendant is an Arkansas corporation with its principal place of business in Bentonville, Arkansas, and may be served with process by its registered agent for service of process, CT Corporation System, 1999 Bryan St., Ste. 900, Dallas, TX 75201-3136. **Citation is requested for this Defendant.**

- c. The amount in controversy exceeds \$75,000.00.
- d. The incident made the basis of this suit occurred in the Eastern District of Texas;

II.

FACTUAL ALLEGATIONS

On or about September 24, 2016, Plaintiff, KATHLEEN GRIFFITH was entering the WAL-MART NEIGHBORHOOD MARKET located at 1900 ESE Loop 323, Tyler, Texas, when she unexpectedly encountered a drop in elevation of the walking surface as she approached the entrance to the store. The change in elevation was in violation of international and local building codes as a ramp feature was appropriate based upon the distance of change in elevation. Moreover, Defendant failed to warn the Plaintiff of this sudden drop. As a result of Defendant's negligence, Plaintiff fell and sustained serious and extensive injuries including a broken right wrist and a traumatic brain injury.

III.

CAUSES OF ACTION

At the time and on the occasion above-described, the Defendant, WAL-MART STORES, INC. was guilty of the following acts or omissions:

A. NEGLIGENCE

- 1. In failing to inspect and maintain the means of ingress and egress to its store;
- 2. In failing to maintain the ingress and egress in a reasonably safe condition for its customers, specifically KATHLEEN GRIFFITH;
- 3. In failing to timely and properly act to reduce or eliminate the dangerous condition by corrective actions, including but not limited to, installing code-compliant ramp features and provide otherwise adequate warnings.

B. PREMISES LIABILITY

Plaintiff incorporates all facts and allegations in the preceding paragraphs as if set forth fully herein.

1. Defendant owned and/or operated the premises upon which Plaintiff suffered injuries;
2. Plaintiff was an invitee on the premises at issue;
3. Defendant had a duty to exercise ordinary care with respect to its invitee, the Plaintiff. As such, Defendant had a duty to inspect and make safe any dangerous condition or give adequate warning to Plaintiff.
4. The sudden and unexpected drop in elevation of the walking surface and lack of warning of same to Plaintiff posed an unreasonable risk of harm to Plaintiff;
5. Defendant had actual knowledge or reasonably should have known of the condition that ultimately led to the injuries to Plaintiff;
6. Defendant breached its duty to Plaintiff by failing to adequately warn her of the condition and/or failing to make the condition reasonably safe;
7. Defendant's breach proximately caused injuries to Plaintiff.

IV.

DAMAGES

As a direct and proximate result of the occurrence made the basis of this lawsuit, Plaintiff has incurred the following damages:

1. Past physical pain, suffering, and mental anguish;
2. Hospital, medical, doctor, ambulance and pharmaceutical bills incurred in the past;
3. Physical impairment to the person of Plaintiff that has been incurred in the past;
4. Physical pain, suffering, and mental anguish that Plaintiff will, in all reasonable medical probability, suffer in the future;
5. Hospital, doctor, medical, and pharmaceutical bills which Plaintiff will, in all reasonable medical probability, incur in the future;
6. Physical impairment to the person of Plaintiff which, in all reasonable medical probability, she will suffer in the future;

7. All applicable costs of court.

V.

INTEREST

The Plaintiff hereby seeks all Pre-Judgment and Post-Judgment Interest in the maximum amounts as allowed by law on each separate and individual element of damage.

VI.

REQUEST FOR JURY TRIAL

Plaintiff hereby requests a trial by jury.

VII.

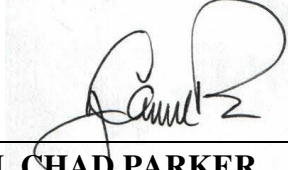
PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiff respectfully prays that upon a final hearing she have judgment against the Defendant, WAL-MART STORES, INC., for the injuries and damages she sustained in excess of \$100,000.00; for pre-judgment interest; for all costs of suit, and for such other and further relief, general and special, legal and equitable, to which she may be entitled to receive.

Respectfully submitted,

**J. Chad Parker, PLLC**  
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Tyler, TX 75701  
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By: \_\_\_\_\_

  
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